

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CORPORATE ASSETS, INC.,

PLAINTIFF

V.

CIVIL ACTION NO. 4:06cv79-P-B

**TEXTRON FASTENING SYSTEMS
MISSISSIPPI, INC., ET AL.,**

DEFENDANTS

ORDER

BEFORE THE COURT are Plaintiff's Motion to Compel discovery [doc. 20] and Defendants' Response [doc. 23] thereto. Having fully considered the submissions of the parties and the applicable law, I find the motion should be denied.

By its Motion filed September 28, 2006, Plaintiff seeks an order compelling disclosure of specific categories of documents it claims should have been produced as part of Defendants' initial disclosures. Defendants respond that they do not need, and suggest that they do not intend to use, any such documents to support any claim or defense at this time. Defendants also state the issue is moot, as Plaintiff is now free to request the information in written discovery requests.

Pursuant to Rule 26(a)(1)(B), a party is required to produce, without a discovery request, a "copy of, or a description by category and location of, all documents . . . in the possession custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment ." However, a party is not obligated to disclose documents that it does not intend to use. *See* FED.R.CIV.P. 26 advisory committee's note. Based on this, the Court finds Defendants were not obligated to produce the information as part of pre-discovery disclosures. Therefore, the instant motion to compel is hereby **DENIED**.

This, the 30th day of October, 2006.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE